

VZCZCXYZ0000  
RR RUEHWEB

DE RUEHGT #1087/01 2402218  
ZNR UUUUU ZZH  
R 272218Z AUG 08  
FM AMEMBASSY GUATEMALA  
TO RUEHC/SECSTATE WASHDC 5978  
INFO RUEHME/AMEMBASSY MEXICO 4936

UNCLAS GUATEMALA 001087

SIPDIS

DEPT PLEASE PASS TO WHA CENTRAL AMERICAN COLLECTIVE  
WHA FOR GSNIDLE

E.O. 12958: N/A

TAGS: [KCRM](#) [PGOV](#) [KJUS](#) [GT](#)

SUBJECT: MERIDA INITIATIVE: GUATEMALAN PRISON CONDITIONS

REF: GUATEMALA 592

¶1. Summary: Guatemala's prison system is in desperate need of reform, according to officials who have worked on efforts to improve prison conditions under the previous and current administrations. Inadequate security measures, overcrowding, and ineffective rehabilitation programs, compounded by an inadequate budget, continue to undermine the Guatemalan Penitentiary System's ability to effectively control prisoners and to improve the recidivism rate. Embassy believes that resources from the Merida Initiative can be used to build a more secure and humane prison system, but the GOG will have to increase its leadership on this issue. End Summary.

#### Inadequate Security

¶2. On August 18, PolOffs accompanied James Fox, visiting PAO speaker and Program Director of the Insight Prison Project in California, on a visit of Pavon Prison, Pavoncito Preventive Detention Center, and a prison facility for women near Guatemala City. During this visit, PolOffs spoke with current and former officials of the Guatemalan penitentiary system. They all highlighted inadequate security measures as one of the biggest problems facing the country's penitentiary system.

¶3. According to Jacobo Aguilar, Deputy Director of Social Rehabilitation for the Guatemalan Penitentiary System, there are 1,200 guards to police 7,950 prisoners nationwide, and only 300 of those guards are on duty at any one time. In Pavon Prison, authorities control only the perimeter of the prison, while prisoners essentially have complete control over the interior. The army is sometimes used to augment police control of prison perimeters. Christhiann Ponciano, an attorney who served as advisor to the Berger government on the country's penal system, remarked that prison guards only enter the interior of the prison unarmed out of fear that the prisoners, most of whom have access to weapons including knives, guns and even grenades, may seize their weapons. Gangs are active inside prisons, and occasionally attack prison guards (reftel). Further weakening prison security, according to Ponciano, is the uncontrolled use of cash within Guatemalan prisons. Ponciano believes that the system makes it easy for prisoners to bribe guards to allow family members to bring in contraband such as weapons and drugs.

¶4. Jose Toledo, former Presidential Commissioner for the Reform of the Penitentiary System during the Berger Administration, highlighted inadequate infrastructure, lack of biometric controls, and insufficient training for prison guards as other weaknesses in the prisons' security measures. He also highlighted that prison officials are often unable or unwilling to implement security controls such as prohibition on the use of cell phones within prisons. The use of cell phones allows gang members to continue extortion and other illegal activities while imprisoned. Toledo

commented that there are currently no maximum security prisons in Guatemala that meet international standards.

#### Overcrowding

15. Overcrowding continues to be a problem in Guatemala's prisons and pre-trial detention centers. Guatemala's penitentiary system has the capacity to house 5,000 inmates, but according to Deputy Director Aguilar, there are currently 7,950 prisoners incarcerated in Guatemala's 18 penal institutions, 4,000 of whom are held in pre-trial detention centers. In some penal institutions, the overcrowding rate is considerably higher than the national rate of 59 percent. In Pavoncito, for example, 374 prisoners are housed in a space built for 150. Due to inadequate space in prisons nationwide, convicted prisoners are sometimes housed with those awaiting trial.

16. According to former government advisor Ponciano, the Guatemalan justice system takes approximately three to four years to process a case to conclusion, and during this time innocent persons may be incarcerated with convicted criminals. The unfortunate result, according to former presidential commissioner Toledo, is that innocent inmates may leave the penitentiary system having had to violently defend themselves against convicted prisoners. There is only one prison for women and one pre-trial detention center for women in Guatemala, and because of space shortages there are cases where men and women are housed in the same prison, according to Aguilar.

#### Insufficient Budget

17. Deputy Director Aguilar and former government advisor Ponciano believe that the budget for Guatemala's penitentiary system is insufficient to address the system's many needs. According to Aguilar, the 2007 budget was approximately \$24 million or about \$3,000 per prisoner, compared to the approximately \$42,000 spent per year on each prisoner in the California penal system, according to Insight Prison Project's James Fox. In Pavon, food accounted for approximately 80 percent of the prison's budget, leaving only a small amount to cover remaining expenses. The national prison budget does not contemplate the purchase of medicine or the provision of health care to prisoners who, according to Ponciano, are often forced to obtain medicine from family members. Aguilar commented that the penitentiary system needs a dedicated hospital to adequately provide for prisoners' needs.

#### Rehabilitation Programs Fall Short

18. Work and education programs within Guatemalan prisons attempt to rehabilitate prisoners and decrease the recidivism rate, which is currently 90 percent, according to Ponciano. In Pavon, inmates are allowed to run their own private businesses by selling products on the local market with the help of family members. Such businesses include a bakery, a factory that manufactures soccer balls from nylon rope, and a shop that makes linings for wedding dresses. Approximately 45 percent of Guatemala's prison population participate in similar work programs, according to Deputy Director Aguilar, almost all of which operate independently of the prison system.

19. Education programs also attempt to lower the recidivism rate in prisons or at least occupy the prisoners' time. There are currently 1,700 inmates nationwide who are either learning to read or write, pursuing an elementary education, or studying for their high school diploma. In Pavoncito, 18 inmates serve as instructors to their fellow prisoners, and 120 prisoners take classes each day with the benefit of computers donated by an NGO. With a national recidivism rate of 90 percent, however, Ponciano is critical of the effectiveness of the rehabilitation programs. He does not believe that Guatemala's prisons are rehabilitating prisoners but rather serving as centers where individuals organize into

criminal groups.

Comment

-----

¶10. Lax security measures within Guatemalan prisons facilitate criminal activity outside prison walls. The number of prisoners nationwide is disproportionately low given the country's high crime rate. The low number is a reflection of Guatemala's high level of impunity and low conviction rate. The Guatemalan penitentiary system needs to be reformed to effectively address weak security measures and overcrowding, and to improve rehabilitation programs. The government can facilitate these changes by allocating more resources and reinstituting the Presidential Commission for the Reform of the Penitentiary System, but more international assistance, such as that contemplated under the Merida Initiative, is sorely needed.

McFarland